

Student Handbook

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Article I: Definitions

Saint Mary's College of California

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ARTICLE I: DEFINITIONS

1. **“Administrative Hearing Officer,”** means a College official authorized on a case-by-case basis by the Dean of Students, or designee, to impose sanctions upon any student(s) found to have violated the Code or other College policy. The Dean of Students, or designee, may authorize an Administrative Hearing Officer to serve simultaneously as an Administrative Hearing Officer or one of the members of a Disciplinary Hearing Board.

2. **"Appeal Board"** means any person(s) authorized by the Dean of Students, or designee, to consider an appeal from a student discipline process determination as to whether a student has violated the Code or from the sanctions imposed by the Administrative Hearing Officer, Peer Conduct Council or Disciplinary Hearing Board.
3. **"Bystander"** means anyone who observes an emergency or a situation that looks like someone could use some help, and they must then decide if they are comfortable stepping in and offering assistance.
4. **"Campus"** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
5. **"Campus Security Authority"** means any campus officials with significant responsibility for student and campus activities.
6. **"Code," "Code of Conduct," or "Student Code of Conduct"** means the Undergraduate Code of Conduct. The Code means to set forth the community standards and procedures necessary to maintain and protect an environment conducive to learning and in keeping with the educational objectives of Saint Mary's College.
7. **"College"** means Saint Mary's College of California.
8. **"College official"** includes any person employed by the College and who is acting within the course and scope of his or her College employment or leadership role (e.g., Resident Advisor).
9. **"Complainant"** means any person who submits, either orally or written, a report of conduct alleging a violation of the Code and/or College Policy. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the report of conduct itself.
10. **"Confidentiality"** means ensuring that information is accessible only to those authorized to have access. Confidentiality refers to the agreement between the investigator and participant in how data will be managed and used.
11. **"Day"** means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.
12. **"Disciplinary Hearing Board," or "DHB,"** means any person(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other College policy and to recommend sanctions that may be imposed when a rules violation has been committed.
13. **"Handbook"** means the 2017-18 Undergraduate Student Handbook and is also synonymous with *Code of Conduct* and *Code*.
14. **"Incapacitation"** is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, where, why or how of their sexual interaction. One can be mentally or physically incapacitated (for example, by alcohol or other drug use, unconsciousness or blackout).
15. **"Investigation"** means the act or process of investigating or the condition of being investigated, a detailed or careful examination for ascertaining facts related to an allegation of violation(s) of the Code of Conduct.
16. **"Intimate Partner Violence"** refers to dating or domestic violence committed against a person with whom they have a previous or current dating, romantic, intimate, or sexual relationship.
17. **"Non-Consensual Sexual Contact"** means sexual touching including, but not limited to, any

physical contact with the breasts, genitals, buttocks, mouth or other bodily orifice of another individual.

18. **“Organization”** means any number of persons who have complied with the formal requirements for College recognition.
19. **“Peer Conduct Council,” or “PCC”** means any student(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other College policy and to recommend sanctions that may be imposed when a rules violation has been committed.
20. **“Policy”** means the written regulations of the College as found in, but not limited to, the Code, Undergraduate Student Handbook, the College Catalog, the College web page and Technology Use policy, and Undergraduate Catalogs.
21. **“Privacy”** means the control over the extent, timing, and circumstances of sharing oneself (physically, behaviorally, or intellectually) with others. Privacy refers to persons and their interest in controlling the access of others to themselves.
22. **“Possession”** is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.
23. **“Respondent”** means any student accused of engaging in conduct in violation of this Code or other College policy.
24. **“Responsible Employee”** is any employee who has the authority to take action to redress sexual violence; or whom a student could reasonably believe has this authority or duty.
25. **“Restorative Justice”** is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, reduction of social inequality, and reintegration of people who have been marginalized and outcast.
26. **“Retaliation”** means threats or other forms of intimidation against a student or employee for bringing forth a complaint of any alleged discrimination, harassment (including sexual) or of any other violations of College policies including, but not limited to, the Student Code of Conduct.
27. **“Sexual Assault”** means non-consensual penetration of the anus, mouth, or vagina, however slight, with an object or body part.
28. **“Sexual Misconduct”** encompasses any unwelcome behavior of a sexual nature and can include non-consensual viewing, recording, dissemination, exploitation, and sexual harassment.
29. **“Shall”** and **“will”** are used interchangeably in this Handbook, and are intended to have the same meaning, i.e., to express a certainty of outcome, a requirement, or an absence of discretion or choice.
30. **“Stalking”** means a course of conduct directed at a specific person that would cause a reasonable person to feel fear. A course of conduct is a pattern of behavior composed of two or more acts over any period of time.
31. **“Student”** includes any person participating in the traditional undergraduate or graduate program by taking courses at the College, either fulltime or part-time, taking credit/no credit classes, or having resident or non-resident status, including when studying abroad in connection with a College-sponsored program. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered students.
32. **“Title IX”** means the Education Amendments of 1972 that prohibit discrimination on the

basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX is enforced by the Department of Education through the Office of Civil Rights.